

**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)  
ANIMAL HEALTH AND FOOD SAFETY SERVICES (AHFSS)  
MEAT, POULTRY AND EGG SAFETY BRANCH (MPES)  
SHELL EGG ADVISORY COMMITTEE (SEAC)  
MEETING MINUTES  
October 21, 2015**

California Department of Food and Agriculture  
2800 Gateway Oaks Drive, Room 267  
Sacramento, CA 95833

Item  
No.

**(1) CALL TO ORDER**

Michael Sencer, Chair, called the SEAC meeting to order at 10:00 a.m. and a quorum was established.

**(2) ROLL CALL**

Roll was taken by Tony Herrera, Egg Quality Manager, Egg Safety and Quality Management (ESQM).

**Committee Members Present:**

Michael Sencer, Chair  
Wayne Winslow, Vice Chair  
Gary Foster, Southern California Egg Cooperative  
Michael Gemperle, Gemperle Enterprises  
Glenn Hickman, Hickman Eggs  
David Will, Chino Valley Ranchers  
Steve Mahrt, Petaluma Farms  
Kaliko Orian, Kaliko Farms  
Milton O'Haire, CACASA Representative  
Tom Silva, Alternate

**Committee Members Absent:**

Richard Jenkins, Alternate  
Dr. Richard Breitmeyer, Public Member

**Interested Parties:**

Debbie Murdock, Pacific Egg Poultry Association  
Lupe Gutierrez, NuCal Foods  
Richard Christner, Sparobe Foods  
Josh Karch, Norco Ranch  
Mark Campbell, Hidden Villa Ranch

**CDFA:**

Dr. Annette Jones, AHFSS Director  
Dr. Douglas Hepper, Branch Chief  
Tony Herrera, Egg Quality Manager  
Richard Estes, CDFA Chief Council  
John Ramos, Central District Supervisor  
William Rohner, Southern District Supervisor  
Jenna Celigija, Northern/Coastal District Supervisor  
Penny Short, Staff Services Analyst  
Rosie Martin, Office Technician

**(3) APPROVAL OF MINUTES – May 25, 2015**

Chair Sencer asked the committee to review the May meeting minutes.

**Motion #1:** A motion was made by Vice Chair Winslow to accept the minutes. Mr. Foster seconded. Chair Sencer, Mr. Will, Mr. Hickman, Mr. Gemperle, Mr. Mahrt, and Ms. Orian agreed. The motion passed unanimously.

**(4) ESQM FY 14/15 ACTIVITY REPORT Q&A**

Mr. Herrera presented the committee with the activity report. Committee members request to add items to the report. The following was discussed:

- Include a map of the United States including all out-of-state flock
- Number of birds in out-of-state houses that ship to California

A question was asked if companies deemed fraudulent can be posted on CDFA's website. Mr. Herrera will notify the committee at the next meeting.

**Motion #2:** A motion was made by Mr. Hickman to resume on-site audits immediately. Mr. Mahrt seconded. Chair Sencer, Vice Chair Winslow, Mr. Will, Mr. Foster, Mr. Gemperle, and Ms. Orian agreed. The motion passed unanimously.

**(5) ESQM BUDGET AND FISCAL DISPLAY**

Mr. Herrera presented the proposed updated budget to the committee. The following was discussed:

- Should investigative staff be added?
- Assessment amount from January 1, 2015 through June 30, 2015
- Number of good verses bad (fraudulent) egg loads coming into California

Mr. Herrera proposed adding five new permanent staff members to the program.

**Motion #3:** A motion was made by Mr. Foster to accept the five positions, but train two of the five as investigators to work within the program. Mr. Mahrt seconded. Chair Sencer, Vice Chair Winslow, Mr. Will, Mr. Gemperle, Mr. O'Haire, and Ms. Orian agreed. Mr. Hickman opposed. The motion passed.

**Motion #4:** A motion was made by Mr. Foster to accept the revised budget as presented. Mr. Will seconded. Chair Sencer, Vice Chair Winslow, Mr. Mahrt, Mr. Gemperle, Mr. O'Haire, Mr. Hickman, and Ms. Orian agreed. The motion passed unanimously.

(6) **COUNTY CONTRACT BUDGET**

Mr. O'Haire presented a breakdown report to the committee. It was discussed that a more detailed report, including percentages and number of staff would be provided. A sub-committee was formed including: Mr. Foster, Mr. Will, Mr. Herrera, and Mr. O'Haire. They will further discuss the county contracts and present it at the next meeting.

(7) **ADMINISTRATIVE CIVIL PENALTY MATRIX**

Mr. Herrera and the committee discussed the following:

- Severity of certain violations and subsequent fees
- Add fields for "Submitting false documents when requested for Shell Egg Food Safety (SEFS) desk audit" and "Submitting false shipping manifests" to the matrix

After much discussion, a sub-committee consisting of Mr. Mahrt, Ms. Murdock, Mr. O'Haire, Mr. Herrera, Mr. Will, and Mr. Karch was formed. They will further discuss the matrix and present it at the next meeting.

(8) **ESQM PROGRAM UPDATE**

Mr. Herrera informed the committee of five Public Records Act requests for the program. Three were pertaining to California Code of Regulations, Section 1350, one was pertaining to budget allocations, and one about registrations of companies.

Additionally, Mr. Herrera has been working with Food and Drug Administration developing a risk based system for conducting audits. He will elaborate further as it develops.

(9) **MPES BRANCH UPDATE**

No update was presented.

(10) **AHFSS DIVISION AND CDFA DEPARTMENT UPDATE**

No update was presented.

(11) **ILLEGAL EGG SHIPMENTS**

Mr. Estes and Mr. Rohner presented information to the committee. The following was discussed:

- A total of six instances of false SEFS CA complaint eggs entering the state since April, 2015 have been/are being investigated
- Two of the six instances were presented to the Attorney General by CDFA's Legal Office, but were not accepted.
- The remaining four instances are being further investigated, and a paper trail is being established.
- Of the remaining four, two to three may be accepted by the Attorney General.
- CDFA is trying to get an injunction against the companies/parties involved with the instances.
- Many issues of false bill of lading and/or no documents at all are being experienced at the border stations. Such instances result in the trucks entering the state with the eggs under quarantine or red tags, but are not showing up at the reported destinations.

A suggestion was made to add a provision to the Administrative Penalty Matrix to include companies being investigated for major violations to repay the amount incurred by CDFA if found to be in violation.

(12) **BAGLEY-KEENE OPEN MEETING ACT**

Mr. Estes and the committee discussed the following:

- A meeting is defined as any time a majority of committee members meet and/or discuss issues, including emails
- Definition of instances which are not considered meetings
- Closed sessions require an agenda, presence of legal counsel, and must include a memorandum of justification

- If action is taken after the closed session, it is recorded at the following open session and include roll call votes
- Members may not text or email each other in an open meeting
- Sub committees created within the meeting must be treated the same, including an announcement and agenda

**(13) FUTURE SEAC MEETING AGENDA ITEMS**

No items were presented.

**(14) UPCOMING SEAC MEETING DATES**

The next SEAC meeting will be held on Tuesday, December 1, 2015 at 10:00 a.m. in Sacramento.

The following SEAC meeting will be held in Santa Barbara on Wednesday, February 24, 2016. Specific time and place will be determined at the December meeting.

**(15) ADJOURN**

Chair Sencer asked for a motion to adjourn the meeting.

**Motion #3:** Mr. Foster made a motion to adjourn the meeting. Mr. Mahrt seconded. Vice Chair Winslow, Mr. Will, Mr. Hickman, Mr. Jenkins, Ms. Orian and Mr. Gemperle agreed. The motion passed unanimously. The meeting was adjourned at 1:15 p.m.

Respectfully Submitted:

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Rosie Martin